



Young female offenders and the New Zealand Youth Justice System: the need for a gender-specific response

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Young female offenders comprise approximately one fifth of the New Zealand youth offender population; however, they remain an understudied population of offenders. This paper aims to provide a current overview of the key characteristics of this population and recommendations for how the youth justice system could better cater to this population. These recommendations include more training of professionals (specifically judges, youth advocates and justice coordinators) and practitioners (specifically social workers, psychologists and youth workers) in the youth-justice system in matters specific to young female offenders. A gender-responsive and trauma-informed approach to addressing offending behaviour is also necessary. There is a need for new empirical research in the New Zealand context on young female offenders and the best way to address offending by this group. Finally, a focus on the diversity of young female offenders is a priority, given the over-representation of indigenous and ethnic-minority communities in justice jurisdictions worldwide.

Key words: females; gender-specific responses; juvenile justice; trauma-informed care; young offenders; young female offenders; youth justice.

Introduction

Offending by young females has become a topic of concern for the public and professionals alike over the past decade. Headlines such as ‘More girls committing violent crime’ (Hollingworth, 2018), ‘Schoolgirl stomps on teen’s head in sickening daylight attack’ (Dangerfield, 2020) and ‘Violent fight between Auckland girls caught on camera’ (Newshub, 2016) demonstrate an increasing awareness that young females are contributing to overall youth justice statistics in a way that is far from insignificant. The aim of this paper is to provide an overview of the population of

young female offenders, with particular consideration of the relevance of gender-specific and trauma-based approaches, in order to better assist the professionals who encounter them within the youth justice system.

In 2019, young females made up approximately one fifth of all New Zealand Youth Court charges (Statistics New Zealand, 2020). The focus of most research on young offenders has so far been primarily confined to the other four fifths – the male majority. While young female offenders may be a comparatively small offending population when compared to males, this paper demonstrates why it is essential that their specific needs are not overlooked

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within the youth justice system. Also, despite youth offending decreasing in many Western countries (Reil et al., 2021), including in New Zealand to what is currently its lowest point since 2010 (Ministry of Justice, 2020), female youth offending has been decreasing at a lower rate than has male youth offending (Statistics New Zealand, 2020), and serious offending committed by young females remains a concern (Statistics New Zealand, 2020).

In 2019, young female offenders constituted 29% of young offenders charged in the Youth Court for acts intended to cause injury and 23% for robbery, extortion and other related offences (Statistics New Zealand, 2020). In the last decade, the percentage of young female offenders with charges finalised in Court continued to range between 18% and 22% (Ministry of Justice, 2020). Further, in 2018, while 33% of young male offenders were considered serious enough to require a Family Group Conference (FGC) or court action, 23% of young female offenders were considered serious enough to require a Youth Justice FGC or court action (Ministry of Justice, 2019), again pointing to the comparative severity of female offending, even while remaining less numerous than males.

New Zealand's indigenous population of Māori are disproportionately over-represented in the frequency and severity of youth-offending behaviour, with 66% of children and young people proceeded against by police in 2018 being of Māori descent (Ministry of Justice, 2019), despite comprising only 25% of the youth population (Reil et al., 2021), including within the young female offender population. In 2018, young Māori females made up 78% of all young female Youth Court appearances (Ministry of Justice, 2019). In 2019, young Māori females constituted 63% of all young females charged in Court, 52% of all young females charged with acts intended to cause injury and 79% of all young females charged with robbery, extortion and other related offences (Statistics New Zealand, 2020). Both young Māori males and females

are also more likely than non-Māori to be remanded in custody as a result of their offending. In 2018, 16% of young people aged 12 to 17 years old who were remanded in custody were female, and 83% of these young females were Māori (Ministry of Justice, 2019).

The Pacific ethnic minority population is also over-represented in youth offending, comprising 21% of young people proceeded against by police despite being 10% of the population (Ministry of Justice, 2019; Reil et al., 2021). Pacific youth offenders are particularly over-represented in violent offending behaviour, including 16% committed by young female offenders and 84% by Pacific males (Ioane & Lambie, 2016). The over-representation of indigenous peoples and those of ethnic minority groups among international youth and adult criminal justice populations thus continues to be a major social justice issue (Papalia et al., 2019).

Risk assessment tools have been developed primarily based on male offenders, yet are used to establish treatment programmes for female youth offenders (Gower et al., 2020). Recent research has identified crucial differences between males and females in the youth justice system, as well as the diverse and complex risk factors associated with female youth offenders (Lim et al., 2019; Webb, 2017). This research supports the need for gender-specific services and interventions, and more multi-systemic intervention.

In this paper, we argue that it is necessary to ensure there are appropriate and targeted practices and processes adopted to cater to the specific needs of young female offenders. We first provide a brief overview of some key characteristics common to the young female offender population (incorporating literature from both New Zealand and overseas) and argue the importance of ensuring that these differences guide and create the platform for formulating Youth Court plans. Our practice and experience in the field suggest the need for a gender-specific and trauma-based

approach that will appropriately target and focus on young female offenders in society. We then discuss practical recommendations to enable the specific needs of young female offenders to be better met within the youth justice system in the New Zealand context. This paper endeavours to make an original contribution to this field highlighting key characteristics of particular relevance among young females in the offending population. 'Young female offenders' is taken to mean those young females aged between 14 and 17 years old who fall within the New Zealand Youth Court jurisdiction under the Oranga Tamariki Act 1989.¹

Who are young female offenders?

While there will be further diversity among the population of young female offenders, a number of characteristics have been identified that are common to many. Of course, there are also features in common with young male offenders; however, as we attempt to provide a profile of young female offenders, there are areas that are less well understood about females than about males, and features that may be more prevalent or salient to young females than to their male counterparts. These are relevant to both an understanding of the offending behaviour of this population and the challenge they pose to professionals who encounter them in the youth justice system, and the interventions they may benefit from. While the young offender population overall is at a greater risk for negative life experiences and outcomes than is the non-offending young population (King et al., 2011), this can be even more so for young female offenders in some areas, such as maltreatment and mental health disorders (Asscher et al., 2015; Shufelt & Coccozza, 2006). In addition, further exploration is needed regarding indigenous female

offenders, where the numbers continue to rise within the youth justice systems in nations like New Zealand (Colley, 2015), Australia (Ng, 2014) and Canada (Halseth & Greenwood, 2019).

Family dysfunction

Family dysfunction is consistently reported as characteristic of the backgrounds of young female offenders (Lim et al., 2019; Pasko, 2006; Shepherd et al., 2019). In a study of young female offenders from the Parkville Youth Justice Precinct in Victoria, Australia, Shepherd et al. (2019) reported that neglect, family separation, being kicked out of or running away from home, death of an immediate family member and family mental health issues were all common experiences within the sample. A small proportion of those young females also had parents or siblings who were involved in criminal activity. In their study of male and female juvenile offenders in Canada who had engaged with a juvenile justice mental health agency for sentencing purposes, Vitopoulos et al. (2019) found that young females were more likely than their male counterparts to have been previously separated from a caregiver (38% compared with 29%) or to have had a parent with a mental illness (19% compared with 9%). Similarly, Lim et al. (2019) found in their sample of 184 young female offenders in New Zealand that more than 40% had experienced parental alcohol abuse or mental health problems in the family.

Exposure to domestic violence is also particularly common among young female offenders. In a study on young females arrested in Hawaii during 2004, Pasko (2006) reported that 58% had witnessed domestic violence, compared to 42% of their male counterparts. It is unsurprising, therefore, that many young female offenders have also had previous care and protection from child welfare services (such as that arising from domestic violence) prior to entry into the youth justice system (Ministry of Justice, 2019). In their

¹Under s 2(1) of the Oranga Tamariki Act 1989, a 'young person' is a boy or a girl of or over the age of 14 years but under 18 years. The exception to this is a young person aged 17 who is charged with a specified offence.

retrospective audit, Lim et al. (2019) found that 56% of the sample of young female offenders had experienced a statutory care history with Child, Youth and Family (now Oranga Tamariki Ministry for Children). Similarly, in its Youth Justice Indicators Summary Report, the Ministry of Justice (2019) reported that between 2010 and 2019, 94% of young females who had been referred for a youth justice Family Group Conference had previously been the subject of a report of concern to Oranga Tamariki about their care and protection (compared to 88% of males). Hence, adverse family dynamics and relationships are key contributing factors to challenges across the lifecourse (Crouch et al., 2017), which in turn are associated for some with offending behaviour. However, precise causal pathways are difficult to determine, and there is relatively little exploration of the nuances of how family dysfunction (and resultant trauma) may play out in subsequent offending for females versus males, or in relation to ethnic diversity, despite the growing consensus that a family intervention model (e.g. Shepherd et al., 2019) should be considered to shift the adverse family dynamics and their profound impact on a child.

Childhood and adolescent maltreatment

Within wider family dysfunction, childhood and adolescent maltreatment rates are higher in the backgrounds of female young offenders than in the backgrounds of male young offender populations (Asscher et al., 2015). This difference needs to be acknowledged when working directly with these young people, particularly when co-occurring symptoms consistent with separation anxiety, mood disorder or disruptive behaviour are likely (D'Andrea et al., 2012) or posttraumatic stress disorder and difficulties with self-regulation are seen (Musicaro et al., 2020). This has the potential to impact on their presentation and engagement with therapeutic interventions and the wider youth justice system.

Young female offenders experience alarmingly high rates of all forms of childhood and adolescent maltreatment, in particular sexual abuse. In their review of the literature, Kerig and Becker (2012) reported that across 19 studies analysing the prevalence of trauma by gender, rates of sexual victimisation and abuse were consistently higher for female than male young offenders. Similarly, in their study of male and female youth offenders in Canada, Vitopoulos et al. (2019) found that 72% of young females had experienced at least one type of childhood maltreatment (compared with 50% of young males), while 45% of young females had experienced two or more types of maltreatment (compared to 26% of young males). More specifically, the authors found that females were significantly more likely than their male counterparts to have experienced sexual abuse (15% of females compared with 4% of males) and also emotional/psychological abuse (14% of females compared with 5% of males).

Pasko (2006) reported that, of young females who had been arrested in Hawaii in 2004, 38% had official records indicating previous sexual abuse, 50% had official records indicating physical abuse and 35% had been found to be neglected (compared to 8%, 41% and 25% of young males, respectively). And in their study on the prevalence of childhood maltreatment and its relationship with current psychiatric disorders among detained youth, King et al. (2011) found that 76% of young females had a history of physical abuse that could be categorised as moderate and 35% that could be categorised as severe. Additionally, 41% had a history of sexual abuse (compared to 68%, 15% and 11% of males, respectively).

Furthermore, Moore et al. (2013) found that, in addition to being significantly more likely to report each subtype of childhood abuse and neglect, young females were nearly 10 times more likely to report experiencing three or more subtypes of child abuse or neglect in the 'severe to extreme' range than were

their male counterparts. King et al. (2011) found that the experience of sexual abuse was correlated with every type of psychiatric disorder (generalised anxiety disorder, any affective disorder, any attention deficit hyperactivity disorder or disruptive behaviour disorder and any substance use disorder) for young female offenders. The experience of maltreatment has also been found to affect the offending behaviour of young females. In their analysis of data from the US National Survey of Adolescents, Kilpatrick et al. (2003) reported that young females who had been sexually abused were five times more likely to be involved in offending behaviour than were those without an abuse history, while young males were nearly three times more likely to offend than their counterparts without an abuse history.

The experience of maltreatment and family dysfunction is also considered to influence offending behaviour indirectly. Running away from home is a common response to the experience of maltreatment and family dysfunction, one that young females are more commonly arrested for than young males (Chesney-Lind & Shelden, 2013). According to New Zealand research, young female offenders with absconding behaviour show an increased risk for involvement with delinquent peers, gang association, substance use and being sexually assaulted, and may end up using violence to protect or assert themselves, resulting in increased interaction with the justice system (Keesing-Styles, 2014). In addition, Schaffner (2006) noted that, due to family dysfunction, some young females tended to rely on boyfriends, who were often much older, to meet their essential needs, rather than their (dysfunctional) families. This reliance caused these young females to be vulnerable to the pressures exerted by their boyfriends and, in many cases, led to engagement in drug or alcohol use as well as other illegal activity, ultimately also resulting in interaction with the justice system.

A history of sexual abuse has been found to be the strongest predictor of later recidivism

for young females who have offended, even after controlling for additional risk factors for recidivism, including prior legal involvement and conduct problems (Conrad et al., 2014). Conrad et al. (2014) found that young females who had a history of sexual abuse had five times greater odds of recidivism at 12 months' follow-up than did their non-abused female counterparts. This effect was not evident for young males. Unfortunately, anecdotal evidence suggests that the first opportunity for many young females to receive suitable counselling and support services for their maltreatment histories arises when they engage with the youth justice system. Although the Youth Court may not be the ideal space for addressing these issues, its related processes need to address the reality that, for many young females, this will effectively be a first point of contact.

Mental health disorders

Young female offenders have consistently been found to be at greater risk for mental health disorders than are their male counterparts. In their study of mental health prevalence in youth involved with the youth justice system, Shufelt and Cocozza (2006) reported that more than 80% of young females met the criteria for at least one disorder compared to 67% of young males. Similarly, in their retrospective file audit of 184 female youth offenders in New Zealand, Lim et al. (2019) found that 72% of participants reported a history of mental health diagnoses.

Shufelt and Cocozza (2006) also found gender differences in the types of disorders reported in their study. Internalising disorders were significantly more prevalent for young female offenders, while rates of conduct problems were more comparable between females and males. Marston et al. (2012) found that 25% of their sample of young female offenders met the criteria for a current major depressive episode, and 44% met the criteria for a major depressive episode in the past; furthermore, these female offenders' rates of

depression are consistently measured as significantly higher than among non-offender females and around twice as prevalent as male offender rates (Teplin et al., 2002). Marston et al. (2012) also found that 62% of their sample of young females reported suicidal ideation, and 30% had a history of serious self-harm or suicide attempts. The experience of post-traumatic stress disorder (PTSD) symptoms also appears to be higher in female than male young offenders. Using data from the 2009 New South Wales Young People in Custody Health Survey, Moore et al. (2013) investigated the prevalence of, and association between, child maltreatment and PTSD among young offenders in juvenile detention centres and found that young females were significantly more likely to have PTSD than were their male counterparts. While 17% of young males were diagnosed with PTSD, 40% of young females were. Using the Massachusetts (Grisso & Quinlan, 2005) Youth Screening Inventory (2nd edition) with 1,840 young people in custody, Stewart and Trupin (2003) reported that nearly 50% of young female offenders were in the highest range of mental health symptoms, compared to only 22% of males.

In addition, comorbidity is also significantly higher for young female offenders than their male counterparts. Marston et al. (2012) reported that one third of young female offenders met the criteria for two or more mental health disorders even when excluding conduct disorder, suggesting severe mental health impairment. Overall, therefore, there is concern that the presence of mental health disorders may prevent these young women from participating meaningfully in the justice system (Wasserman et al., 2004).

Substance abuse

An earlier study showed that young males typically have higher rates of substance use disorders than do females, with half of males and almost half of females having a substance use disorder (Teplin et al., 2002). Following this,

Shufelt and Coccozza (2006) found that 55% of young female offenders had a substance use disorder while Marston et al. (2012) found that 54% of young female offenders met the criteria for substance abuse or dependence. McClelland et al. (2004) found that almost 50% of males and 45% of females in a population of juvenile detainees had one or more substance use disorders, and a similar number of both males and females had two or more substance use disorders (21% and 22%, respectively). The authors also found that significantly more young females than males had substance use disorders involving illicit drugs other than marijuana. This is consistent with the findings of Lim et al. (2019), who found that while 90% of young female offenders in their sample had a history of cannabis use, 35% had used stimulant type drugs, and approximately 30% had used other drugs such as hallucinogens and inhalants. Finally, Pasko (2006) reported that, of young females who had been arrested, 45% had engaged in methamphetamine use (compared to 28% of young male offenders). Characterising substance abuse as a 'male problem', therefore, risks compromised understanding of the nuanced challenges that substance use may pose to female offenders and how best to target rehabilitation efforts.

Despite the high prevalence of substance use disorders, a very small number of young females will likely ever have received treatment for them before entering the youth justice system. Comprehensive wrap-around supports for young female offenders that include providing treatment for their substance use disorders are needed (Sanders et al., 2016).

Gang involvement

Information on the make-up of youth gangs in New Zealand and internationally is limited, due to inadequate existing data sources and inconsistent use and collection of data by those involved with youth gangs, as well as difficulties distinguishing delinquent youth from youth gang members and the fact that youth

gangs naturally end when youth reach maturity (Ministry of Social Development, 2008). While gang involvement is certainly not a female-specific issue, a number of young females who enter the youth justice system will have gang associations, and this will need to be addressed, or at the very least acknowledged, in any intervention.

In their research on youth gangs in Counties Manukau, the Ministry of Social Development (2008) reported that two out of the 17 youth gangs in Auckland were comprised solely of young females. The two female gangs both had reputations for members carrying weapons and engaging in extreme violence, contradicting the view that gangs are mainly a male phenomenon (Ministry of Social Development, 2008).

Gang involvement of young female offenders may be indicative of a more serious clinical profile, particularly when 20% are known to be involved in gangs and approximately 40% have a delinquent gang-affiliated partner (Ttofi et al., 2011), another aspect of the context of female offending that needs to be addressed within the youth justice system.

Wang (2000) found that the four leading factors influencing gang involvement for young females were peer pressure, protection of status, acceptance and problems at home. Problems at school, including truancy and dropping out of school, were also identified as influential for these young females. In their study on gang membership among adolescent girls, De La Rue and Espelage (2014) found that young females involved in gangs reported a significantly greater history of running away from home and family gang involvement, and greater levels of aggressive and delinquent behaviours than did young females with no gang involvement. These young females also experienced greater levels of sexual abuse and family conflict and lower levels of parental monitoring than did those not affiliated with gangs.

Anecdotal evidence in New Zealand highlights the growing presence of young female

gangs in the community such as PBG (Pretty But Gangsta). Interestingly, the New Zealand Police do not necessarily monitor or collect data on youth gang membership due to the fluidity of gang membership and the minimal structures that exist within youth gangs (NZ Parliament, 2019). However, within the last year, a well-established adult gang in New Zealand established its first female chapter, highlighting the evolving role of women in gangs (Harris, 2019). Gang involvement increases the likelihood of offending behaviour and interaction with the justice system, with research demonstrating that gang-involved youth (even those with 'peripheral' gang involvement) are more 'delinquent' overall than non-gang-involved youth (Alleyne & Wood, 2010). A literature review of research into female gangs showed that gender was a feature in determining risk factors and consequences for females in gangs (Sutton, 2017). The review found that female youth were more likely to join a gang because of victimisation and fear than were young males (although more research was needed), and that criminal involvement by gang status was greater for young females than for young males. However, the author considered that future research was needed to investigate the contribution of gender roles to involvement in crime and violence.

Using data from the Seattle Social Development Project, Gilman et al. (2014) reported that adolescent gang membership predicted later self-reported crime, receipt of illegal income and incarceration at ages 27, 30 and 33 years, even though most individuals had left gangs before entering adulthood. The main concern expressed by community and regional government participants, as noted by the Ministry of Social Development (2008), is the increased severity of violent offending by youth gangs, including predominantly female ones.

Gang involvement may also pose additional challenges to engagement with these young people in the youth justice system.

Alleyne and Wood (2010) found that gang-involved youth (both male and female) valued the social status they felt was conferred by gang membership and were more 'anti-authority' than non-gang-involved youth. It is important that gang involvement of young females in the youth justice system is identified, to assist with the development of relevant plans that both address the backgrounds of these young people and can respond to the challenges gang involvement may pose to rehabilitation efforts.

Groups posing particular challenges for the youth justice system

Within the wider population of young female offenders, certain groups will pose particular challenges for the youth justice system, as a result of both their offending behaviour and their personal profiles. Two such groups have been identified in the literature – young females who commit serious violent offences and young females who commit sexual offences.

Young females who commit violent offences

As the headlines at the beginning of this paper indicate, violent offending by young females is a particular concern for society. In New Zealand, 29% of young offenders charged in the Youth Court for violent offences such as 'acts intended to cause injury' were female (Statistics New Zealand, 2020) – thereby validating this concern as not merely media sensationalism. In their prospective cohort study looking at the effect of child abuse, neglect and psychiatric disorders on later violent and non-violent offending in females, Trauffer and Widom (2017) found that each type of childhood maltreatment (physical abuse, sexual abuse and neglect) significantly increased the risk of later arrest for violent offending. In addition, the authors found that those who were later arrested for violent offending had significantly higher rates of both PTSD and

dysthymia, when compared to their non-violent offender and non-offender counterparts.

In their study of young female offenders admitted to juvenile justice residential programmes in Florida, Wolff et al. (2017) found that young females who began offending at a young age had prior involvement with care and protection services, were diagnosed with conduct disorder or identified as having temperament problems showed evidence of 'serious, violent and chronic' offending patterns. This group was also more likely to have had a documented history of special education needs, and were more likely to have been diagnosed with attention-deficit/hyperactivity disorder (ADHD) or conduct disorder. These young females also displayed characteristics that would make them more difficult to deal with in the youth justice context, including that they were more likely to hold 'hostile' interpretations, to become frustrated and to have more frequent feelings of anger or irritability. They were also more likely to have previously escaped from a residential facility than their less violent counterparts.

The results of these studies show that young females who commit violence offences will often have concerning clinical profiles, and these must be taken into account when creating plans to address offending behaviour. In addition, these young females may be particularly difficult to deal with within the youth justice system, and the youth justice professionals who inevitably encounter them will need to be aware of this.

Young females who engage in harmful sexual behaviour

Young females who engage in harmful sexual behaviour are also a particularly challenging group within the youth justice system. While young females make up approximately 8.6% of sexual-offence-based arrests, it is likely that, when considering under-reporting rates and gender stereotypes, the actual numbers are higher (Siegel & Fix, 2020).

Research on young female sex offenders has found that this group of young females are typically younger at the time of their first sex offences than are their male counterparts (Hickey et al., 2008). In addition, using data from the Florida Department of Juvenile Justice in relation to 4143 juvenile sex offenders, Fox and DeLisi (2018) found that the female sex offenders scored higher on 'impulsivity' than did their male counterparts (60% of females and 45% of males) and that females were more likely to not feel empathy towards their victims than were the males (31% of females compared to 23% of males).

Young females who engage in harmful sexual behaviour are also more likely to have experienced both intra-familial and extra-familial sexual abuse than are young males who engage in harmful sexual behaviour (Hickey et al., 2008; van der Put et al., 2014). In their study, Fox and DeLisi (2018) found that while 19% of male juvenile sex offenders had experienced sexual abuse in childhood, 58% of female juvenile sex offenders had. The authors also found that the females in their sample were twice as likely as their male counterparts to experience consistent depression (44% of females and 18% of males), and a larger proportion of female juvenile sex offenders (12%) experienced psychotic symptoms (compared to 7% of males). Further, in their study of female juvenile sex offenders in the Netherlands from 1993 to 2008, Wijkman et al. (2014) found that 18% of their sample had witnessed the use of violence towards relatives, and 14% reported poor sexual boundaries demonstrated by caregivers in the home.

Young females who engage in harmful sexual behaviour also display a particularly concerning clinical profile, and, much like young females who commit violent offences, this group demonstrates high levels of needs for support and intervention within the youth justice system. A better understanding of this group of young female offenders is necessary in order to best address their offending behaviour and needs within the youth justice system, including, for example, appropriate

interventions for PTSD, depression, mental distress and trauma sequelae, ADHD, anger management and so on.

Future outcomes

Young females who engage in offending behaviour during adolescence have also been shown to be at an increased risk for further negative life outcomes, more so than their male counterparts. In the prospective longitudinal study of 1000 New Zealanders from birth, Moffitt and Caspi (2001) found that, by age 21, females who had had elevated measures of antisocial behaviour or delinquency as adolescents were more likely to have lived with more than one partner, to abuse or have been abused by their partner and to have become a parent than were their male counterparts. They were also more likely to receive social welfare assistance from multiple government sources.

Young female offenders with childhood and adolescent antisocial behaviour problems were also more likely to have had babies when they were teenagers, according to another New Zealand longitudinal study (Woodward et al., 2001). This potentially increases the risk of intergenerational transmission of criminal and antisocial behaviour (Van Vugt et al., 2016), alongside care and protection concerns for the baby. A partial explanation for this risk relates to parental stress and poor parent-child communication, highlighting the need for intervention programmes to target stress prevention in parenting and communication skills with children for young mothers, as well as other broader social factors (Van Vugt et al., 2016).

In their study on the intergenerational transmission of aggression and antisocial behaviour, utilising a sample of the first 181 biological mothers recruited as part of the Vancouver Longitudinal Study, Tzoumakis et al. (2012) found that mothers who were described as 'juvenile delinquents' were more likely to experience social adversity, including requiring greater social assistance, and were less likely than their non-delinquent

counterparts to have achieved a high school diploma. They were also more likely to have children who were more physically aggressive themselves and who had an earlier age of onset of that physical aggression.

In contrast, an earlier study in 2004 found that pregnancy was a common reason for desistance from youth gang membership (Fleisher & Krienert, 2004); however, research findings overall remain inconsistent with regard to successful desistance from gang membership across young and adult females (Sutton, 2017). Coyne et al. (2013) concluded from their longitudinal Swedish study that while teenage childbirth may not be a causal risk factor for subsequent adult criminal offending and conviction, interventions for at-risk female teenagers should target risk factors that are associated with both the likelihood of teenage childbirth and also criminal behaviour.

Overall, therefore, despite there being a smaller number of young females than males in the youth justice population, we would be remiss to not carefully consider how their needs may differ from those of young men. Rates of domestic violence, childhood and adolescent maltreatment and mental health disorders are prevalent in the backgrounds of the young female offender population (and, in some studies, significantly more prevalent than for their male counterparts), and substance abuse and gang involvement continue to affect a considerable number. Further, it is important to consider the influence of females in the development of positive family environments, dynamics and relationships, including the significant, yet often unpaid and unrecognised contribution to the current and future health and wellbeing of its children and young people.

Young female offenders in the New Zealand youth justice system

The New Zealand youth justice system is governed by the Oranga Tamariki Act 1989. The Act aims to ensure that, where children or young people commit offences, they are to be

held accountable and are encouraged to accept responsibility for their behaviour, while being dealt with in a manner that acknowledges their needs and gives them an opportunity to develop in a responsible, beneficial and socially acceptable way. There is a statutory imperative that the 'needs' as well as the 'deeds' of young offenders be addressed, and this therefore requires a considered and appropriate response to the particulars of each case.

The New Zealand youth justice system is effectively 'gender neutral'. While the Act provides that consideration of the young person's needs is necessary (Section 4), and where practicable, causes of offending should be addressed (Section 208), at no point is gender explicitly stated as a consideration.

As this paper has shown, a number of differences do exist between young males and females, and clearly these must be properly taken into account, with programmes and plans being formulated with such matters in mind. While recognition of these differences is growing, with a body of domestic and international research on the topic, addressing gender issues continues to be largely invisible in practice in the New Zealand youth justice system.

The Family Group Conference (FGC) is the key method of dealing with young people who offend in New Zealand and as such is utilised with both male and female young offenders. The FGC is aligned with the values of restorative justice and involves the wider networks of the offender, and often the victim, in decision-making processes. Section 260 of the Act allows the FGC to formulate a plan and make recommendations to the Youth Court regarding the young person. The FGC is arranged by a Youth Justice Co-ordinator and is attended by the young person, their family/whanau and other professionals. Victims are also encouraged to attend the FGC and to make their views known to the conference about how the offending affected them. The process involves the young person taking responsibility for their actions and the

conference members then working together to understand the underlying reasons for the young person's actions. The FGC aims to find practical ways for the young person to make amends for their actions and also to identify any needs that the young person has and how these can be addressed.

Recidivism rates after an FGC are typically lower for young females than for young males, but this may have less to do with the success of FGCs and more to do with lower overall recidivism rates seen in young female offenders (Cottle et al., 2001). Indeed, in a retrospective study on 1,000 youth justice FGCs, Maxwell et al. (2012) found that, in general, young females reported more negative experiences in the FGC than did young males. Young females were less likely to report being consulted about who should attend the conference, and while 73% of young males reported that they were able to say what they wanted at the FGC, 52% of young females were, with over half reporting that they felt too intimidated to say what they wanted to. Young females were less likely than young males to feel that they could make up for what they had done and put everything behind them and were less likely to report being treated with respect, being treated fairly, being treated as trustworthy and being given another chance. In addition, young females were half as likely as young males to report that having an FGC had helped them to stop or reduce their offending (19% compared to 35%, respectively).

A recent meta-analysis that looked at the effectiveness of the FGC for children in care found no significant overall effects on reducing out-of-home placements, child maltreatment and involvement in youth care (Dijkstra et al., 2016). However, FGC outcomes for older children seemed to show more out-of-home placements of longer duration than there were for younger children. This was attributed to older children being referred for FGC based on behavioural problems and concerns, whereas younger children were mainly referred for difficulties in child rearing.

This is particularly of interest given the research of young female offenders with a background in family dysfunction (Lim et al., 2019; Pasko, 2006). Older females are seen to remain outside of the care of their families, particularly when family matters or conflict have not been resolved or family intervention programmes remain incomplete, so absconding can inadvertently increase their risk to self (e.g. homeless, at risk of sexual predation) and to the community (e.g. further offending). Alternatively, research highlights that females will often abscond from their out-of-home placements to try to attend to caregiving responsibilities at home (e.g. of younger siblings at risk of neglect) or to try to maintain intimate partner or family relationships (Bowden et al., 2018; Fasulo et al., 2002). On a positive note, suggestions have been made to provide a more culturally appropriate practice to empower families, particularly from indigenous communities, within the process and implementation of FGCs (Moyle & Tauri, 2016).

Although the current approach to youth justice in New Zealand has been successful in reducing youth offending overall, there are still improvements to be made in how subgroups of offenders within the wider 'young offender population' are dealt with. It is important that there be a recognition of the specific needs of young females and the methods and approaches to best address these, in order to prevent continued lifelong interaction with the justice system.

Recommendations for responding to female youth offenders

In the General Comment No. 10 (2007) on the United Nations Convention on the Rights of the Child (UNCRC), the United Nations Committee on the Rights of the Child recognised that because young females only constitute a small proportion of offenders, they are at risk of being overlooked in youth justice systems (United Nations Committee on the

Rights of the Child, 2007). They made specific note of the importance of giving attention to the special needs of young female offenders, in particular in relation to their experience of victimisation, in order to best provide for them in youth justice systems. In a UNICEF report on guidance for legislative reform in the area of youth justice, Hamilton (2011) noted that specific and separate provisions are required in legislation to ensure that the specific needs of young females are met. In addition to this, the greater risk for mental health disorders among female offenders (Lim et al., 2019; Shufelt & Coccozza, 2006) and the continuing rise of female offenders from indigenous and minority ethnic communities require a specifically targeted approach. The report on a recent, extensive government inquiry into mental health in New Zealand, *He Ara Oranga*, highlights the importance of cultural and clinical approaches in responding to Māori health and wellbeing (Patterson et al., 2018). This must be incorporated as an overarching principle when working with and alongside Māori with mental health issues in the justice system.

Donna Swift, principal researcher for a New Zealand-based project within Stopping Violence Services, The Girls' Project, has also stated that New Zealand should follow international strategies that use a gender-responsive and trauma-informed approach to address offending behaviour by young females (Swift, 2011). This must include programmes specifically designed for young females and approaches wherein the content, facilities and staffing respond to the gendered reality of these young offenders. Such programmes can provide psychoeducation on gender, the evolving role of gender among youth and society and prioritising the specific needs of young females that includes identity and belonging. Whilst this may be no different to that for their male counterparts, the content and delivery of such programmes may include a co-design approach with previous female offenders. Group programmes educating young females on sexuality, leadership, sexual health

alongside general topics on intimate relationships, consent, educational achievement and independence, embedded within cultural contexts that promote values of respect and self-determination, may be helpful. However, given the victimisation histories of these young females, genuine engagement and relationship will be important – this will take time to develop.

A number of guiding principles for gender-responsive programming have been identified in the literature that reflect the origins of, and influences on, young females' offending. To be considered gender-responsive under these principles, programmes must address the realities of young females' lives, including race, class and gender inequality, and should emphasise self-efficacy and a strengths-based approach, as well as addressing the practical needs of young females (Bloom & Covington, 2001; Bloom et al., 2001; Greene, 1998). A co-design intervention is likely to provide a more genuine approach to working with and for female youth who offend.

However, such an approach must take note to not further reinforce harmful gender stereotypes. Clarification is also needed through further research on what gender-responsive programming might look like in practice. In their study on perceptions of young females held by professionals involved in juvenile court decision-making (some of whom saw girls as 'manipulative, liars, and criers'), Gaarder et al. (2004) found that while half of the probation officers surveyed thought gender-specific programming was a good idea, most were confused as to what it might entail. Therefore, it is important that prior to any programme development, a clear understanding and definition of a gender-responsive approach need to be prioritised. This may include a community consultation alongside a review of the literature to ensure all sources are appropriately explored.

As discussed, the FGC is the key method for dealing with youth offending in New Zealand; however, questions have been raised

as to its effectiveness with young female offenders. One key step to improve this would be greater training of youth justice coordinators, and other professionals involved in the process, in matters specific to young females and their common backgrounds, with a particular focus on their maltreatment and trauma experiences and how this may affect the FGC process. This may include a review of work capacity and capability to ensure all those working with our young females in the justice sector are acutely aware of their background and clinical profiles, and include appropriate ways to respond. For example, many young female offenders report preference for interaction with female workers and professionals due to previous experiences of abuse at the hands of men, as well as general fear and distrust of males (Sharpe, 2011). A push to ensure that greater numbers of female workers are being trained, as well as the choice for young people to have a female worker where practicable, would both likely provide considerable benefit. Bloom and Covington (2001) and Bloom et al. (2001) also suggest that female role models and mentors who reflect the ethnic and cultural backgrounds of the individual are crucial and may be particularly beneficial where family support is not readily available for the young female.

In order to most effectively cater to young female offenders in the youth justice system, judges, youth justice coordinators, youth advocates and other relevant professionals need to understand and be trained in how to work with young female offenders. A more gender-specific approach to New Zealand youth justice practice would ensure that the needs of these young offenders are better met, providing the best chance to reduce further offending behaviour. Better resourcing and ongoing research in this area will both be essential to this effort. Potential areas of research may include an evaluation of current youth offending programmes to explore its responsiveness and effectiveness with females, qualitative experiences of young female offenders in the

justice system and the impact of gender-matching programmes, to name a few. We believe having an opportunity to co-design an intervention programme for young females may increase an authentic approach to mitigating the risk of our young females entering the justice system.

Useful research areas to explore with this population group may include more understanding and insight into their worldview(s) as young women, including cultural and gender identities and how they relate these to their offending behaviour; evidence of their adverse childhood experiences (ACES), alongside resilience and protective factors as they see them; impact of trauma-focused interventions, including around sexual abuse, if these have been delivered in their time of justice involvement (or beyond); and support to recover from substance abuse issues and mental health concerns.

Conclusion

There is a need for new empirical research in the New Zealand context on young female offenders and the best way to address offending by this group. A focus on the diversity of young female offenders is a priority, given the over-representation of indigenous and ethnic minority communities in justice jurisdictions worldwide. This paper has provided a brief overview of some key characteristics of the young female offender population that are relevant for the professionals who encounter them in the youth justice system, as well as some general and practical recommendations for how the youth justice system could better meet their needs. Young female offenders experience greater rates of domestic violence, childhood and adolescent maltreatment and mental health disorders than their male counterparts, and substance abuse and gang involvement affect a considerable number. If we continue to manage and respond to the needs of young female offenders within a gender-neutral approach, we risk missing more effective ways to better help this population.

The needs of the young female offender population are distinct from those of the young male offender population and so too must be the way we work with them in the youth justice system. It is essential that the comparatively smaller size of the young female offender population does not cause these needs to be overlooked, as they provide a useful context for the understanding of offending behaviour and pose unique challenges to those who encounter them in the youth justice system.

An approach that addresses the specific needs of young females and that works to their strengths will be far more effective at addressing the causes behind offending and ultimately preventing future offending behaviour. Until that happens, however, at the very least, there must be a wider understanding and agreement that within any consideration of the 'needs' of the young person must come consideration of that young person's gender, both to better understand their offending behaviour and its causes, and to guide a more effective way out of offending behaviour through the youth justice system.

Overall, despite the comparatively small size of this offending population, given their high needs it is essential that we make the most of the opportunities available to address young female offenders more adequately as they move through the youth justice system. This provides a real opportunity to minimise the trajectory into adult offending and increase the likelihood for a more positive outcome for future generations. This will be achieved through better understanding of the available research on this offending population and implementing strategies and interventions that reflect this.

Ethical standards

Declaration of conflicts of interest

Charlotte Best has declared no conflicts of interest

Julia Ioane has declared no conflicts of interest

Ian Lambie has declared no conflicts of interest

Ethical approval

This article does not contain any studies with human participants or animals performed by any of the authors.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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